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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/751,397 | 01/06/2004 | Kazunari Matsuzawa | D-1550 | 3172 |
| 32628 | 7590 | 12/14/2005 | EXAMINER | |
| KANESAKA BERNER AND PARTNERS LLP SUITE 300, 1700 DIAGONAL RD ALEXANDRIA, VA 22314-2848 | | | KYLE, MICHAEL J | |
| | | ART UNIT | | PAPER NUMBER |
| | | 3677 | | |
| DATE MAILED: 12/14/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/751,397 | MATSUZAWA ET AL. | |
| | Examiner Michael J. Kyle | Art Unit 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 and 3-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 3 and 5-7 is/are allowed.

6) Claim(s) 1,4 and 8 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1,2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stocker et al (“Stocker”, U.S. Patent no. 5,735,511) in view of Ichimaru (U.S. Patent no. 6,507,976).

Stocker discloses a buffer comprising a grommet (12, 14) having a hollow tube portion, an attaching portion (12) and an elastic engaging piece (50, 54). Stocker further shows an engaging member (16) and a damper main member (10, 20). The engaging member is slidably disposed in the hollow tube portion and has engaging steps (70, 72) engaging the elastic engaging piece. The damper main member is slidably disposed in the engaging member (16) and has an abutting portion (26) for abutting against the engaging member (16). Stocker fails to disclose the first screw portion and means for moving the damper main member as claimed.
3. Ichimaru teaches a buffer device comprising a grommet (21), a damper main member (11) and a means (31) disposed between the grommet (21) and damper main member (11) for moving the damper main member in a direction away from the grommet and fixing the damper main member relative to the grommet so the damper main member projects from the grommet by a desired distance. Ichimaru further shows a first screw portion (16) disposed above an abutting portion (14). The means comprise a collar (31) having a second screw portion (32) engaging the first screw portion (16). The collar is capable of being rotated, and may upwardly adjust the

damper main member (11). This arrangement allows for the projecting height of the damper member to be easily adjusted. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stocker as taught by Ichimaru, such that stocker includes the means for moving of Ichimaru, in order to allow for easy adjustment of the projection height of the damper member. The combination would result in damper main member of Stocker being adjustable relative to the engaging member of Stocker, by the means taught by Ichimaru.

4. With respect to claim 4, Stocker discloses the damper main member (10, 20) to include a stopper (outer wall of 20) for restricting movement in a counter insertion direction. Examiner considers the outer wall of 20 to be a stopper because it frictionally engages the engaging member, and resists removal from the engaging member.

5. With respect to claim 8, the combination of Stocker and Ichimaru discloses the collar (31 of Ichimaru) to be engaged with the grommet, after the collar abuts the grommet, when the collar is rotated, the damper main member (11 of Ichimaru) is moved upwardly to adjust the height relative to the collar.

Allowable Subject Matter

6. Claims 3 and 5-7 are allowed.

Response to Arguments

7. Applicant's arguments filed September 27, 2005, have been fully considered but they are not persuasive. Applicant argues there is no motivation to the teachings of Ichimaru, as Stocker already discloses a self adjusting stopper. Examiner respectfully disagrees. Repeated use

Stocker's stopper may lead to wear and decrease the efficiency of the stopper, from the repeated motion of the main element. By using the arrangement of Ichimaru, the height of stopper is positively set and adjusted only by a user, not upon impact, thus reducing the wear on the main element within the grommet.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.
11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



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